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Attorneys for Defendants,
SPARTACUS 20TH LP. ;
SPARTACUS 20TH G.P., INC.;
PHILIP R. PALUMBO;
JAKOB IRION;
BODYROK FRANCHISE, L.P.;
BODYROK FRANCHISE G.P., INC.;
EXERCISE TECHNOLOGIES, L.P.;
BODYROK MARINA, LP. AND
SCULPT FITNESS BERKELEY, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LAGREE TECHNOLOGIES, INC., LAGREE
FITNESS, INC., MAXIMUM FITNESS
INCORPORATED, AND SEBASTIEN LAGREE,

Plaintiffs,

vs.

SPARTACUS 20TH LP., SPARTACUS 20TH G.P.,
INC., PHILIP R. PALUMBO, JAKOB IRION,
BODYROK FRANCHISE, L.P., BODYROK
FRANCHISE G.P., INC., EXERCISE
TECHNOLOGIES, L.P., BODYROK MARINA,
LP., SCULPT FITNESS BERKELEY, LLC AND
DOES 1 THROUGH 10, INCLUSIVE,

Defendants.

CASE NO. 3:17-cv-00795

**PARTIES' STIPULATION TO
EXTEND TIME FOR
DEFENDANTS TO FILE THEIR
ANSWER OR OTHERWISE
RESPOND TO PLAINTIFFS'
COMPLAINT FOR PATENT
INFRINGEMENT, COPYRIGHT
INFRINGEMENT, TRADEMARK
INFRINGEMENT, NAME
MISAPPROPRIATION,
UNLAWFUL AND FRAUDULENT
BUSINESS PRACTICES, AND
CALIFORNIA COMMON LAW
UNFAIR COMPETITION**

AND ~~PROPOSED~~ ORDER

Dept: Courtroom 9 – 19th Floor
Judge: Jon S. Tigar

1 TO THE HONORABLE JON S. TIGAR AND THE CLERK OF THE COURT:

2 Pursuant to Rule 6-1(b) of the Civil Local Rules (L.R.), Plaintiffs LAGREE
3 TECHNOLOGIES, INC., LAGREE FITNESS, INC. MAXIMUM FITNESS
4 INCORPORATED, and SEBASTIEN LAGREE (“Plaintiffs”), and Defendants SPARTACUS
5 20TH, L.P., SPARTACUS 20TH G.P., INC., PHILIP R. PALUMBO, JAKOB IRION,
6 BODYROK FRANCHISE, L.P., BODYROK FRANCHISE G.P., INC., EXERCISE
7 TECHNOLOGIES, L.P., BODYROK MARINA, LP., and SCULPT FITNESS BERKELEY,
8 LLC (“Defendants”) (hereinafter collectively the “Parties”), stipulate as follows:

9 WHEREAS, Defendants’ deadline to respond to the Complaint is April 7, 2017, pursuant
10 to the March 24, 2017 hearing and Court Order (ECF 32);

11 WHEREAS, the Parties stipulate to extend the time within which to answer or otherwise
12 respond to the Complaint;

13 WHEREAS, counsel for the Parties have continued to meet and confer regarding various
14 causes of action and factual allegations in the Complaint;

15 WHEREAS, on April 7, 2017, counsel for Plaintiffs informed counsel for Defendants
16 that Plaintiffs intend to file a First Amended Complaint on April 10, 2017;

17 WHEREAS, the Parties stipulate to an extension of time so Defendants do not have to
18 respond to Plaintiffs’ original Complaint on April 7, 2017, and instead Defendants will answer or
19 otherwise respond to Plaintiffs’ First Amended Complaint in accordance with the Federal Rules
20 of Civil Procedure;

21 WHEREAS, this stipulation will not alter the date of any event or any deadline already
22 fixed by Court order (other than the Court order referenced above, ECF 32). For example, the
23 case management conference is presently scheduled for June 7, 2017 (ECF 32);

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1 NOW, THEREFORE, the parties, by and through their respective counsel, hereby
2 stipulate and agree that each of the Defendants' answer(s) or other response(s) to the Complaint
3 shall be in accordance with the Federal Rules of Civil Procedure after Plaintiffs file a First
4 Amended Complaint and Defendants do not need to respond to the original Complaint on
5 April 7, 2017.

6 Dated: April 7, 2017

GORDON & REES LLP

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8 By: /s/ Robert P. Andris

Robert P. Andris
Kevin W. Alexander
Michael D. Kanach

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10 Attorneys for Defendants,
11 SPARTACUS 20TH LP. ;
12 SPARTACUS 20TH G.P., INC.;
13 PHILIP R. PALUMBO;
14 JAKOB IRION;
15 BODYROK FRANCHISE, L.P.;
16 BODYROK FRANCHISE G.P., INC.;
17 EXERCISE TECHNOLOGIES, L.P.;
18 BODYROK MARINA, LP. AND
19 SCULPT FITNESS BERKELEY, LLC

20 Dated: April 7, 2017

21 By: /s/ Chad E. Ziegler

22 Chad E. Ziegler (*pro hac vice*)
23 Attorneys for Plaintiffs,
24 LAGREE TECHNOLOGIES, INC.,
25 LAGREE FITNESS, INC.,
26 MAXIMUM FITNESS INCORPORATED,
27 AND SEBASTIEN LAGREE
28

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San Diego, CA 92101

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: April 11, 2017


UNITED STATES DISTRICT JUDGE
Honorable Jon S. Tigar

FILER'S ATTESTATION

I, Robert P. Andris, whose ECF user whose identification and password are being used to file this CIVIL L.R. 6-1(a) PARTIES' STIPULATION TO EXTEND TIME FOR DEFENDANTS TO FILE THEIR ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT FOR PATENT INFRINGEMENT, COPYRIGHT INFRINGEMENT, TRADEMARK INFRINGEMENT, NAME MISAPPROPRIATION, UNLAWFUL AND FRAUDULENT BUSINESS PRACTICES, AND CALIFORNIA COMMON LAW UNFAIR COMPETITION. Defendants' counsel obtained Plaintiff's counsels' authority prior to the filing of this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that counsel for the Plaintiffs concurs in this filing.

By: /s/ Robert P. Andris
Robert P. Andris